REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested. Claims 1-18 were pending, of which claims 4-6 were withdrawn from consideration. In this Reply, the withdrawn claims are canceled and claims 19-23 are added. Accordingly, claims 1-3 and 7-23 are pending. Claims 1-3 are independent.

§ 102 REJECTION – BAR

Claims 1-3, 10, 14 and 18 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Bar et al. (U.S. Patent 5,506,946). Applicant respectfully traverses.

Independent claim 1 recites, in part "changing a color-tone of a desired area including the second area into the color-tone of the first area while gradually changing the color tone at a border of the second area." Bar cannot teach or suggest this feature.

Bar indicates that the new colorimetric values Lnew, Hnew and Snew of a pixel are products of the geometric mask and the color product mask of the old colorimetric values. *See column 11, lines 46 – 67.* However, Bar also states that the geometric mask is a binary function – having an output of 1 if the pixel is within the geometric constraint or 0 if outside. Thus, the new colorimetric values Lnew, Hnew and Snew abruptly change at the border. This in complete

contrast with the feature as recited in claim 1. For at least this reason, independent claim 1 is distinguishable over Bar.

Independent claim 2 recites, in part "conversion means for converting a color-tone of a desired area including the second area into the color-tone of the first area while gradually changing the color tone at a border of the second area." As demonstrated above, Bar cannot teach or suggest this feature. For at least this reason, claim 2 is distinguishable over Bar.

Independent claim 3 recites, in part "changing a color-tone of a desired area including the second area into the color-tone of the first area while gradually changing the color tone at a border of the second area." Again as demonstrated above, Bar cannot teach or suggest this feature. For at least this reason, claim 3 is distinguishable over Bar.

Claims 10, 14 and 18 depend from independent claims 1, 2 and 3, respectively. Accordingly, these dependent claims are also distinguishable over Bar for at due to their dependencies from the independent claims.

Applicant respectfully requests that the rejection of claims 1-3, 10, 14 and 18 based on Bar be withdrawn.

§ 103 REJECTION – BAR

Claims 8-9, 12-13 and 16-17 stand rejected under 35 U.S.C. 10a(a) as allegedly being unpatentable over Bar et al. (U.S. Patent 5,506,946). Applicant respectfully traverses.

These claims depend from independent claims 1, 2 and 3, directly or indirectly. Accordingly, these dependent claims are also distinguishable over Bar for at due to their dependencies from the independent claims.

Applicant respectfully requests that the rejection of claims 8-9, 12-13 and 16-17 based on Bar be withdrawn.

§ 103 REJECTION – BAR, MATSUMARA

Claims 7, 11 and 15 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bar et al. (U.S. Patent 5,506,946) in view of Matsumara (JP 072 349 33 A). Applicant respectfully traverses.

These claims depend from independent claims 1, 2 and 3 and Matsumara is not relied upon for correcting at least the above-noted deficiencies of Bar. Thus, independent claims 1, 2 and 3 are also distinguishable over Bar and Matsumara. Accordingly, claims 7, 11 and 15 are distinguishable over Bar and Matsumara for at least due to their dependencies from the independent claims.

These claims are distinguishable on their own merits as well. For example, claim 7 recites, in part "obtaining cumulative histograms of the first area and the second area." The Examiner admits that Bar does not teach or suggest this feature. However, contrary to the Examiner's allegation, Matsumara cannot be relied upon to correct for this deficiency of Bar.

At best, Matsumara merely discloses determining simple histograms of three primary colors of a background of an image. The Examiner alleges that a simple histogram is same as a cumulative histogram. The Examiner's interpretation of "cumulative histogram" is contrary to the normally understood meaning. While the two are related, histogram and cumulative histogram are not the same. Cumulative histogram, unlike the simple histogram, always monotonically increases in one direction when graphed.

Thus, contrary to the Examiner's allegation, a simple histogram (as disclosed in Matsumara) cannot be equivalent to the cumulative histogram as recited in claim 7. It is clear that Bar and Matsumara cannot teach or suggest the features of claim 7.

In addition, Bar clearly teaches that a desired color (termed "target color") is determined by averaging out colorimetric values of a 5x5 pixel area of a selected pixel. *See Figure 3b, step 312.* In other words, Bar teaches away from the feature of obtaining a cumulative histograms of the first and second areas and correlating the cumulative histograms of the first and second areas.

Then by definition, Bar cannot be combined with Matsumara, or with any other reference for that matter.

Accordingly, claim 7 is distinguishable over the combination of Bar and Matsumara for at least the reasons stated above.

Claim 11 recites, in part "obtain cumulative histograms of the first area and the second area." As demonstrated above, Bar and Matsumara cannot teach or suggest this feature. Also, Bar and Matsumara are not combinable. For at least these reasons, claim 11 is distinguishable over the combination of Bar and Matsumara.

Claim 15 recites, in part "obtaining cumulative histograms of the first area and the second area." As demonstrated above, Bar and Matsumara cannot teach or suggest this feature. Also, Bar and Matsumara are not combinable. For at least these reasons, claim 15 is distinguishable over the combination of Bar and Matsumara.

Applicants respectfully request that the rejection of claims 7, 11 and 15 based on Bar and Matsumara be withdrawn.

§ 103 REJECTION – BAR, ALLENBACH

Claims 7-9, 11-13 and 15-17 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bar et al. (U.S. Patent 5,506,946) in view of Allenbach (U.S. Patent 5,544,284). Applicant respectfully traverses.

These claims depend from independent claims 1, 2 and 3 and Allenbach is not relied upon for correcting at least the above-noted deficiencies of Bar. Thus, independent claims 1, 2 and 3 are also distinguishable over Bar and Allenbach. Accordingly, claims 7-9, 11-13 and 15-17 are distinguishable over Bar and Allenbach for at least due to their dependencies from the independent claims.

These claims are distinguishable on their own merits as well. For example, the Examiner alleges that Allenbach discloses using a simple histogram to determine an average color value. As demonstrated above, a simple histogram is not the same as the cumulative histogram as recited in claims 7, 11 and 15. In addition, Bar teaches away from the features recited in these claims. Thus, Bar is not properly combinable with Allenbach.

Applicants respectfully request that the rejection of claims 7-9, 11-13 and 15-17 based on Bar and Allenbach be withdrawn for at least the above-stated reasons.

NEW CLAIMS

Through this reply, claims 19-23 are added. No new matter is presented. These claims depend from independent claims 1, 2 or 3 directly or indirectly. Therefore, for at least the reasons stated above with respect to the independent

claims as well as on their own merits, the new claims are allowable. Applicants respectfully request that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:_____ #39,491
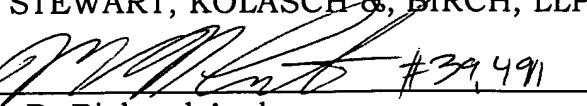
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